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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Eighth report of the Advisory Committee on Administrative and Budgetary Questions

I. INTRODUCTION

1. The Advisory Committee on Administrative and Budgetary Questions has considered an advance draft of the report of the Secretary-General on the revised estimates for the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia for the period from 1 January to 31 December 1997 (A/C.5/51/30/Add.1). The revised estimates were submitted pursuant to General Assembly resolution 51/214 of 18 December 1996. During its consideration of the report, the Advisory Committee met with the Prosecutor and the Registrar of the International Tribunal and with representatives of the Secretary-General, who provided additional information. The Committee also exchanged views with the Under-Secretary-General for Internal Oversight Services on the report of the Office of Internal Oversight services on the International Tribunal for the Former Yugoslavia (A/51/824, annex).

2. The Advisory Committee recalls that the Secretary-General had intended to submit revised 1997 budget proposals for the International Tribunal upon the conclusion of the report of the Office of Internal Oversight Services, which was requested by the General Assembly in its resolution 50/212 C of 7 June 1996 (A/C.5/51/30, para. 4). In that resolution, the Assembly had requested the Secretary-General "to entrust the Office of Internal Oversight Services with undertaking, without prejudice to its programme of work, an inspection of the International Tribunal, with a view to identifying problems and recommending measures to enhance the efficient utilization of resources". By a note of

11 March 1997, the Secretary-General transmitted for the attention of the Assembly the report of the Office of Internal Oversight Services on its review of 1997 resource requirements for the Tribunal. The Committee notes that the Secretary-General concurred with the recommendations contained in the report (A/51/824).

3. The Advisory Committee regrets the delayed submission of the report of the Secretary-General on the revised budget estimates for the International Tribunal for 1997 (A/C.5/51/30/Add.1). The Committee recalls that it had requested that the revised estimates be submitted for its review by 3 February 1997 as an addendum to document A/C.5/51/30, indicating changes to that proposal (A/51/7/Add.5, para. 3). Even allowing for the fact that the report of the Office of Internal Oversight Services was issued on 11 March, the report of the Secretary-General was not actually issued until 12 May 1997.

A. Office of Internal Oversight Services

4. The Advisory Committee notes (A/51/824, paras. 3 and 5) that the Office of Internal Oversight Services examined the detailed budget proposal submitted by the Registrar of the International Tribunal on 10 September 1996, as well as additional information submitted subsequently by the Tribunal, prior to the issuance of the Secretary-General's report of 15 November 1996 on the financing of the Tribunal (A/C.5/51/30). The budget proposal prepared by the Tribunal, as examined by the Office of Internal Oversight Services, amounted to $68,713,500 and reflected an increase of $33,289,900 over the 1996 appropriation and 197 additional posts over the previous authorized staffing level.

5. In his report containing the revised estimates (A/C.5/51/30/Add.1, para. 4), the Secretary-General indicated that the report took into account observations made by the Office of Internal Oversight Services in its March report on the budget proposal (A/51/824, annex). The Advisory Committee notes that the Secretary-General indicated that as he had not yet received the benefit of the General Assembly's views on that report, it would be prudent to continue on a path of solid growth through the addition of 50 assessed posts and 10 extrabudgetary posts to augment the existing 337 posts so that staffing levels, when taking into account the above changes, would bring the post levels to 397 by the end of 1997.

6. The Advisory Committee is of the opinion that the Secretary-General should have used the procedure set out in General Assembly resolution 48/218 B of 29 July 1994 and commented on each of the recommendations of the Office of Internal Oversight Services. The Advisory Committee points out in particular that the report of the Office of Internal Oversight Services examined estimates proposed by the International Tribunal before they had been examined by the Secretary-General. In this case, the Secretary-General should have indicated his position on the budget recommendations of the Office of Internal Oversight Services in order to avoid the potential for contradiction and confusion.

B. General comments

7. The Advisory Committee notes that an attempt has been made to address previous recommendations of the Committee (A/C.5/51/30/Add.1, annex VII). The Committee believes, however, that some recommendations have been only partially addressed, while others remain to be implemented. For example, the Committee has recommended that all personnel and administrative support cost requirements of each organizational unit of the International Tribunal be fully budgeted regardless of whether they will ultimately be financed from assessed contributions or from voluntary contributions in kind or in personnel (A/50/925, paras. 9-11). With reference to its recommendation concerning travel and subsistence benefits (ibid., para. 16), the Committee was provided, upon request but after the hearings were completed, with the draft travel and subsistence regulations of the Tribunal. The Committee intends to review them in September 1997, and will return to the overall question of implementation of its recommendations as approved by the General Assembly in the context of its reviews of the next budget estimates of the Tribunal. The Committee had difficulties in evaluating the requests for the Tribunal owing to the lack of justification and analysis for the estimates in the report. It is the opinion of the Committee that requests for new posts and other resources should always be fully justified and explained.

8. The Advisory Committee is of the view that further improvements can be introduced in the format of the document aimed at enhancing its clarity and transparency but without necessarily increasing its length. For example, the description of the activities and resource requirements of the Registry could be explained more clearly. Furthermore, whenever possible, data, particularly the workload statistics of various units, should be presented in a tabular format accompanied by a qualitative analysis in support of the requests.

9. The Advisory Committee reiterates its request that the most up-to-date financial data always be submitted for the financial period preceding that of the new budget proposal (ibid., para. 3). The Committee regrets that such data were not available on the International Tribunal's 1996 expenditures, which hampered the Committee's evaluation of the proposals. Upon request, the Committee, after the hearings were completed, was provided with an estimate of expenditures for 1996 amounting to $33,911,800 (see annex I) and a summary of the changes in estimated 1997 resource requirements provided in document A/C.5/51/30/Add.1 as compared to the estimates in document A/C.5/51/30 (see annex II). The Committee was also provided with a forecast of expenditures for the period from 1 January to 30 June 1997 amounting to $20 million. The Committee notes that the expenditure estimate for the first six months was approximately $30 million less than the revised 1997 estimated requirements of $49,983,100. Taking into account the expenditure estimate, the Committee believes that $30 million may not be fully utilized during the remainder of 1997.

10. The budget submission should include, in the expenditure part, the estimated costs of all personnel, including those funded from voluntary contributions in cash or in kind as well as their related support costs. The submission should also contain an income part reflecting all revenue received,

including rental income from the Organization for the Prohibition of Chemical Weapons and programme support costs.

11. With regard to extrabudgetary resources of $2,936,200, the Advisory Committee notes that $391,100 is budgeted under the Office of the Prosecutor and $2,545,100 is budgeted under the Registry (A/C.5/51/30/Add.1, tables 2, 6 and 8). The Committee understands from discussions on the subject that the largest share of extrabudgetary resources is used in support of the activities of the Office of the Prosecutor. The Committee recommends that in the future the report disclose clearly the total resources available to the International Tribunal from support costs charged to donors of voluntary contributions and related reimbursement rates, as well as the basis for calculating the support costs and the criteria and amount of support cost waived. Similarly, the report should indicate by object of expenditure and by organizational unit of the Tribunal the proposed utilization of those resources. In this connection, the Committee points out that the matter of support cost charges is currently under review by the General Assembly.

II. REVISED FINANCIAL REQUIREMENTS FOR 1997

12. The Secretary-General has proposed revised financial requirements of $49,983,100 (net) for the financing of the International Tribunal for the Former Yugoslavia for the period from 1 January to 31 December 1997 (A/C.5/51/30/Add.1, table 1). In its resolution 51/214, the General Assembly had already appropriated the amount of $23,655,600 gross ($21,146,900 net) to the Special Account for the Tribunal for the period from 1 January to 30 June 1997.

13. The proposed staffing table for 1997 comprises 387 assessed budget posts (excluding 11 judges), reflecting an increase of 50 posts (30 for the Office of the Prosecutor and 20 for the Registry). The staffing of the International Tribunal would also include 10 extrabudgetary posts and, as at 31 March 1997, 51 gratis personnel (ibid., table 3). The Committee was informed that the notional cost of the gratis personnel amounted to approximately $4.6 million. The Committee believes that the cost of those personnel should have been reflected in the budget submission (see para. 10 above). Upon inquiry, the Advisory Committee was informed that as at 30 April 1997 there were 17 vacant posts, comprising 11 Professional posts in the Office of the Prosecutor and 6 Professional posts in the Registry (see annex III). The Committee notes that vacant posts have been filled by the Tribunal since 15 November 1996 as follows:

Posts filled by the International Tribunal since 15 November 1996

	Vacant posts as of					
	15 November 1996		30 June 1997		Posts filled during the period	
	Professional	General Service	Professional	General Service	Professional	General Service
Office of the Prosecutor	23	6	11	0	12	6
Registry	22	12	6	0	16	12
Subtotal	45	18	17	0	28	18
Total	63		17		46	

14. Upon inquiry, the Advisory Committee was informed that in document A/C.5/51/30 the 1997 estimate for 36 new posts ($1,360,400 net) was calculated on the basis of a vacancy rate of 50 per cent for Professional posts and 65 per cent for General Service posts. In document A/C.5/51/30/Add.1, the revised 1997 estimate for 50 new posts ($1,140,600 net) was costed at a vacancy rate of 50 per cent for the six-month period only for Professional posts (i.e., equal to three months of full funding), and at a vacancy rate of 20 per cent for a six-month period for General Service posts (i.e., equal to 4.8 months of full funding). The parameters take into account the assumption that authorization for the establishment of new posts would occur no earlier than June 1997 and that the process of recruiting General Service staff normally occurs at a faster pace than that of Professional staff.

A. The Chambers

15. The salaries and allowances of the 11 judges of the International Tribunal are estimated at $1,815,000, and their common costs are estimated at $140,000 for expenditures related to installation allowances, removal of household effects and home leave entitlements (ibid., paras. 23 and 24). The Advisory Committee notes that the judges will be assisted by 11 legal assistants provided free of charge by the International Commission of Jurists. Upon inquiry, the Committee was informed that the assistants carried out responsibilities necessary to the core function of the Chambers.

16. A provision of $60,000 is requested for consultants and experts, including related travel expenses, for the services of five amici curiae to prepare briefs specifically solicited by the International Tribunal, pursuant to Rule 74 of the Rules of Procedure and Evidence of the Tribunal (A/C.5/51/30/Add.1, para. 22). The Committee was informed that as a general rule the Tribunal was not charged for expenses incurred by amici curiae in the performance of their services, particularly in the event they come forward on their own initiative. However, in the case of justifiable expenses that cannot be borne solely by the amicus, such costs are met by the Tribunal. The Advisory Committee requests that the process of entertaining offers from amici curiae be monitored and carefully

controlled to preclude the Tribunal's being overwhelmed with such approaches. The Committee reiterates that guidelines governing recourse to and use of expertise in the Chambers should be issued by the Tribunal as requested by the General Assembly in resolution 49/242 B of 20 July 1995 (A/50/925, para. 17).

17. The Advisory Committee recalls that it had recommended that the Secretary-General, after consulting with the United Nations Legal Counsel, report to the General Assembly through the Committee in the context of the revised 1997 estimates on how to deal with the issue of the departing judges (A/51/7/Add.5, para. 7). In this connection, the Committee was informed upon request that the Office of Legal Affairs had advised that a determination of the terms and conditions of judges should be carried out on an ad hoc basis in a pragmatic manner by prorating the benefits on the basis of the proportional length of service and without prejudice to the decision to be taken by the Assembly. The Committee was further informed that a report on the conditions of service of the judges of the International Tribunal would be submitted to the Assembly at its fifty-third session. The Committee has reservations about the procedure followed by the Secretary-General concerning the departing judges since, in its opinion, it was incumbent on the Secretary-General to present proposals to the Assembly in that respect rather than to rely on ad hoc arrangements.

B. The Office of the Prosecutor

18. The revised 1997 resource requirements for the Office of the Prosecutor amount to $17,298,100, reflecting an increase of $5,120,500 over the 1996 appropriation of $12,177,600. The provision will cover staff and non-staff costs of 191 posts (130 Professional and 61 General Service), including the addition of 30 posts (17 Professional and 13 General Service). In addition, in 1997 the staff of the Prosecutor's Office includes two General Service posts funded from extrabudgetary resources (one assigned to the External Relations Section and the other to the Sarajevo Office) as well as 27 gratis personnel (A/C.5/51/30/Add.1, tables 6 and 7). Moreover, as at 31 March 1997, 10 interns had been assigned to the Office of the Prosecutor who were providing research and drafting assistance in matters relating to criminal law, international humanitarian law and human rights (ibid., annex I, para. 4).

19. The Advisory Committee notes that the 27 gratis staff assigned to the Office of the Prosecutor as at 31 March 1997 are to be reduced to 21 by mid-1997 (ibid., para. 28). It is noted also that the future need for such staff will be addressed after the General Assembly has reviewed the policy relating to gratis personnel (ibid., annex I, para. 15). The Advisory Committee's views on the subject of gratis personnel are contained in document A/51/813.

20. The Advisory Committee notes that, starting in 1996, there has been a major shift in focus towards the second aspect of the Prosecutor's mandate, namely the prosecution of accused persons (ibid., para. 27). The International Tribunal in 1996 entered a new phase of its work with the commencement of trials (ibid., para. 9). The Committee was informed that as at 28 April 1997 there were eight accused persons (currently detained) awaiting trial. The 1997 revised resource requirement of the Office of the Prosecutor reflects a restructuring of the Office to accommodate this new focus, namely, the regrouping of some units and

the establishment of two new units, the Policy and External Relations Section and the Forensic Unit.

21. With respect to the Policy and External Relations Section, the Advisory Committee believes that the responsibilities mentioned in the report of the Secretary-General should have been better explained and justified (ibid., para. 31). The Committee notes that the Section comprises five Professional and one General Service post, including the redeployment of one Professional from the Investigation Section (ibid., para. 32). The Committee reiterates its view that resources made available to the Tribunal should be allocated to those areas identified as being of the highest priority, such as prosecution and investigation. The Committee suggests the re-examination of the staffing and role of this Section.

22. The Advisory Committee notes that the nine investigation teams are currently unable to pursue adequately the cases assigned to them owing to a lack of qualified investigators. One team has been devoted to an ongoing trial and two others have been significantly depleted to ensure that the cases of individuals already indicted were ready to go to trial (A/51/824, para. 37). Currently, there are 22 separate investigations under way, plus three prosecutions involving six accused and two appeals. The Committee was informed by the Prosecutor that at this stage it is not possible to predict additional indictments, arrests and prosecutions in 1998. Although there may be further indictments, it is not certain that they will result in arrests.

23. The Committee notes that the Investigation Section has 105 established posts and that, in addition, 16 gratis personnel have been assigned to the Investigation Section, of which 12 are assigned to it, of which 12 are assigned to the investigation teams and one to the Forensic Unit. For 1997, it is proposed that the Forensic Unit be established within the Investigation Section (A/C.5/51/30/Add.1, paras. 35 and 37).

24. With reference to concerns raised in the report of the Office of Internal Oversight Services (A/51/824, paras. 13-16), the Advisory Committee was informed that a computer-based assignment tracking system has been developed to assist the Office of the Prosecutor in assessing ongoing investigations, reviewing the quantity and quality of the evidence already collected and evaluating what remains to be accomplished, assigning priorities and establishing deadlines. The Committee welcomes this management tool.

25. From the information provided to the Advisory Committee during the discussions, it believes that the Strategy Team often serves as a "reserve" for staff to be redeployed to investigations or to trials. The Committee is concerned about the large number of posts remaining on the Strategy Team. In addition to 12 established posts, the Team is assisted by three seconded staff in their capacity as Legal Officer, Investigator and Research Officer (A/C.5/51/30/Add.1, paras. 42 and 43). The Committee further notes that the Office of Internal Oversight Services suggested that the number of personnel assigned to the Team be kept to a minimum, since they would not be accountable for a definable caseload (A/51/824, para. 41).

26. The Advisory Committee notes that for the investigation teams, the Secretary-General proposes to add 18 new posts (9 P-2/1 Professional and 9 General Service) to the 76 existing posts (A/C.5/51/30/Add.1, para. 36 and annex III). In view of the level of vacancies (see para. 13 above), the Committee recommends that the nine P-2/1 posts be filled through redeployment in 1997. Any further requirements in this area should be requested by the Secretary-General in his submission for 1998. With regard to the nine General Service posts, the Committee is not satisfied with the explanation provided during the discussions. The Committee was informed that data entry was also carried out by personnel in the Information and Evidence Section. Accordingly, the Committee does not recommend approval of those posts at this time. The request could be resubmitted, with adequate justification, in the context of the 1998 budget submission. The Advisory Committee requests the Secretary-General to report, in the context of the next estimates, on the elimination of the backlog (which is currently being financed by extrabudgetary funds).

27. The requirements of the Forensic Unit are addressed in paragraphs 38 to 41 of document A/C.5/51/30/Add.1. In paragraph 40, the Secretary-General proposes the establishment of five new posts (1 P-5, 1 P-4, 2 P-3 and 1 General Service). The Advisory Committee has no objection to that request.

28. As indicated in paragraph 45 of the report of the Secretary-General, with the opening of the liaison field operations offices in Zagreb, Sarajevo and Belgrade, the International Tribunal has gained access to all areas of the former Yugoslavia, facilitating the Prosecutor's operations and investigations in the field. The establishment of one P-2/1 (Operations Officer) and one local level (Driver) post is proposed for the Zagreb office, and two Investigator (1 P-3 and 1 P-2) and one Local level (Driver) post is proposed for the office in Sarajevo. Furthermore, for the Sarajevo office, a new P-2/1 (Communications Officer) post and two General Service posts for a Communications Technician and a Communications Clerk are proposed in paragraphs 79 and 81 of the report. For the reasons noted in the report of the Secretary-General, the Committee endorses those requests.

29. As indicated in paragraph 51 of the report, a provision of $214,100 would be required for mission subsistence allowance for personnel from the Office of the Prosecutor posted to the liaison field offices in Sarajevo, Zagreb and Belgrade. The Committee was informed that previously mission subsistence allowance was covered from extrabudgetary funds.

30. The Committee believes that since those assigned to the field are not going to carry out investigations as such, the issue of assigning staff as mission appointees should be reconsidered in order to avoid deploying staff from The Hague and paying mission subsistence allowance. The Committee had difficulty ascertaining the total cost of the field offices, including costs covered by voluntary contributions. The Committee agrees with the Office of Internal Oversight Services that the total cost of the field offices is fragmented in its presentation (A/51/824, para. 17). Upon request, the Committee was provided with a table of the proposed total staffing and operating costs of the liaison field offices in 1997 (see annex IV). The Committee requests that in the future the total costs of the field offices be identified clearly in the budget of the Tribunal.

31. The total estimated travel provisions for the Office of the Prosecutor amount to $1,637,800 compared to an appropriation of $1,513,800 for 1996 and an estimated expenditure of $1,453,000 in 1996 (A/C.5/51/30/Add.1, table 6, and annex II to the present report). The Committee recognizes that travel remains an important component of the investigations undertaken by the Office of the Prosecutor; however, taking into account its recommendations regarding the additional posts for the investigation teams (para. 26 above), the Committee believes that travel in 1997 is unlikely to exceed that of 1996 since, as was explained to the Committee, a number of investigators would be actively involved in trial or other Court activities and the Court will be in session throughout the rest of 1997. The Committee recommends approval of travel provisions at the 1996 level.

C. The Registry

32. The revised 1997 resource requirements for the Registry amount to $30,335,900, reflecting an increase of $9,142,200 over the 1996 appropriation of $21,193,700. In addition, for 1997, it is estimated that $2,545,100 will be administered by the Registry as extrabudgetary resources (ibid., table 8). For the Registry, the Secretary-General requests 190 posts (68 Professional, 61 General Service and 61 Security Service personnel), of which 20 are additional posts (1 P-2/1, 5 General Service and 14 Security Service). In addition, 13 gratis personnel were assigned to the Registry as at 31 March 1997 (ibid., table 9).

33. For detention facilities, provision of $726,100 is requested for 1997 for the staff of the Detention Unit (17 guards for the first half and 6 more guards for the second half, for a total of 23 guards). The amount of $99,200 requested for rent due to the host Government for the 24-cell detention facility is based on the assumption that for 1997 the facility will be one-third occupied for the first six months (8 detainees) and one-half occupied for the second half of the year (12 detainees). Other operating costs relating to the detention facilities include $57,100 requested for the construction of a meeting room and of a second, secure exterior exercise yard for detainees, as well as $16,900 for meal supplements and recreational equipment for detainees. Moreover, the Committee notes that the provision for miscellaneous services ($684,600) includes medical services for detainees (ibid., paras. 61, 92 (d), 96 and 101-103). As indicated in paragraph 20 above, as at 28 April 1997, eight detainees awaited trial. From the information provided in the report, the Committee is not convinced that there is a clear need for six additional guards in 1997, and therefore recommends against their approval.

34. With regard to the protection of victims and witnesses, the budget proposals include provision of $996,400 for travel of victims and witnesses and $53,000 for travel of staff members of the Victims and Witnesses Unit to coordinate arrangements for support and protection of witnesses. The provisions are based on the assumption that 400 witnesses would travel to The Hague for the purpose of hearings and trials (ibid., paras. 62, 63, 91 and annex I, paras. 19 and 20). The Advisory Committee understands that prior to the completion of an investigation it is not always possible to estimate precisely the number of witnesses that may be required. In this connection, the Committee expects that

the travel of witnesses will be carefully coordinated with their scheduled court appearances so that excessive costs will be avoided. The Committee will revert to this matter in the context of the performance report.

35. The Advisory Committee was informed that guidelines were being developed for the reimbursement of lost earnings of witnesses who testify at the International Tribunal and that procedures are being developed to streamline the administration of this activity. The level of assistance, the Committee understands, will be based on standard amounts relating to the minimum wages of the witnesses' country of origin. The Committee notes that this provision is included under miscellaneous services in paragraph 102 of the report of the Secretary-General.

36. The Advisory Committee recalls that, in respect of the long-term requirements of the work of the International Tribunal, it had requested that information be provided on arrangements for the carrying out of sentences and for the protection of witnesses, including arrangements made with Governments (A/50/925, para. 43). In this connection the Committee welcomes the developments mentioned in the report of the Secretary-General (A/C.5/51/30/Add.1, annex VII, paras. 20-23). The Committee notes that the standard agreement on the enforcement of sentences, signed by two Member States, provides that all of the costs related to the enforcement of a sentence, other than expenses for the transfer to the place of imprisonment, will be borne by the enforcing State. The costs of accepting a limited number of prisoners will be borne by a penitentiary system of a Member State and, as an increment, will be relatively very small.

37. Starting in 1997, the International Tribunal assumed responsibility for the entire Aegon building, with approximately 19,529 square metres of office and courtroom space, as well as an underground parking area for 335 vehicles. The annual rent of those premises amounts to $2,299,300. The Committee notes that a 5,214-square-metre area of the building has been rented for two years to a subtenant, the Organization for the Prohibition of Chemical Weapons, which will pay $425,500 in 1997 (ibid., para. 94 and annex VI). The Advisory Committee welcomes those arrangements but reiterates its view that the Tribunal should ensure that it does not pay for space that it does not need (A/50/925, para. 40).

38. The Advisory Committee notes that, in connection with the maintenance of the Aegon building, the Secretary-General proposes the addition of two General Service posts for the Buildings Management Unit of the Tribunal. One post is proposed for a second Maintenance Supervisor and one for a Maintenance/ Operations Assistant to oversee contractual maintenance work, cleaning, housekeeping and grounds-keeping of the Tribunal's offices and detention facilities (A/C.5/51/30/Add.1, para. 77). The Committee notes that currently the General Services Section has 20 posts whose functions have not been clarified to the Committee. The Committee further notes that the need for those two posts was questioned and that the Secretary-General did not clearly establish their role in relation to the staff of the maintenance company (A/51/824, para. 59). The Committee is not convinced that additional posts are required and recommends that those functions be carried out through redeployment.

39. The Advisory Committee recalls that the International Tribunal plans to construct a second courtroom designed for the Appeals Chamber (A/50/925, para. 40). The Committee was informed that this proposal would be submitted in conjunction with the 1998 budget estimates for the Tribunal. The Committee is of the view that, should the number of trials continue in 1998 at the level foreseen in 1997, then additional court space would be essential to speed up trials. It would not be appropriate nor advisable, in the opinion of the Committee, to keep the accused in detention for long periods solely for lack of courtroom space. However, the Committee requests the Secretary-General to address the concerns mentioned by the Office of Internal Oversight Services (A/51/824, paras. 55-57) when he submits his proposal for a second courtroom.

40. The Advisory Committee notes that a provision of $10,000 is requested for the construction of a cashier's office (A/C.5/51/30/Add.1, para. 101). The Committee sought clarification on this matter in the light of the questions raised in the report of the Office of Internal Oversight Services (A/51/824, para. 63). The Committee was informed that the travel plans of the International Tribunal could not be disclosed to travel agents because of the essential confidentiality of travel of investigators and witnesses. Such confidential travel activities, which often lead to the handling of large amounts of cash, must be handled by certain staff of the Tribunal. Under the circumstances, the Committee agrees with the Tribunal's request.

41. A provision of $2,069,300 is requested for the rental and maintenance of office furniture and equipment, the rental of vehicles and communications and miscellaneous services (A/C.5/30/Add.1, para. 102). In the opinion of the Committee, the estimate is excessive and not well-justified. For example, the Committee was informed that the provision included rental of a photocopier and a high-volume network printer. However, from the inventory of equipment provided to the Committee as at 11 November 1996, the Committee notes that two high-volume network printers were donated to the Tribunal. Furthermore, as noted in paragraphs 33 and 35 above, miscellaneous services, which include medical services for detainees and provisions for claims and adjustment by witnesses and detainees, may be in excess of actual requirements. The Committee recommends that this provision be reduced to $1.8 million.

42. Provisions for the acquisition of furniture and equipment are requested in the amount of $1,965,600 (ibid., para. 104). The Committee believes that the estimate may be in excess of the actual requirements of the Tribunal and driven by highly sophisticated equipment already received by the Tribunal from various donors (A/50/925, para. 41). For example, the Committee was unable to ascertain the need for 33 additional workstations. While the Tribunal's equipment inventory shows 342 computers and 48 laptops, the number of new posts requested is 50, and not all new staff would require a workstation. Also, an estimate of $370,000 is included for the installation of satellite earth stations at two field offices, Zagreb and Belgrade, upon the conclusion of United Nations peacekeeping operations in the area. The Committee sought clarification as to the reasons for requesting funds for the procurement of satellite earth stations since United Nations facilities were already in place. The Committee was informed that the United Nations Department of Peacekeeping Operations had decided to dismantle the stations and transport the equipment to other locations upon closure of the peacekeeping facilities. The Committee recommends that the

Secretary-General leave the present facilities in place for the use of the Tribunal rather than requesting Member States to pay for the installation of new satellite earth stations in the same place. The provisions should be reduced to $1.5 million (including the deletion of $370,000 for installation of two earth stations).

III. CONCLUSIONS

43. As the General Assembly has already appropriated $23,655,600 gross ($21,146,900 net) for the period from 1 January to 30 June 1997, the Committee recommends that, on the basis of the comments and recommendations detailed in paragraphs 26, 31, 33, 38, 41 and 42 above, the additional appropriation of $48,587,200 (net) be approved for the operations of the International Tribunal for the Former Yugoslavia for 1997. An additional amount of $4,894,000 would be required for staff assessment, to be offset by income from staff assessment of the same amount.

Annex I

INTERNATIONAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

ESTIMATED EXPENDITURES AS AT 31 DECEMBER 1996

(preliminary figures pending closure of accounts)

Object of expenditure	Chambers	Prose-cution	Registry	Total	1996 appro-priation	Balance	1997 appro-priation
Temporary posts	268.2	9 251.1	6 173.9	15 693.2	19 973.4	4 280.2	28 241.8
Salaries and allowances of judges	1 676.8			1 676.8	1 619.4	(57.4)	1 815.0
Common costs of judges	75.2			75.2	137.4	62.2	140.0
Other payments				0.0		0.0	414.3
Temporary assistance for meetings			743.1	743.1	191.7	(551.4)	653.4
General temporary assistance		53.5	173.3	226.8	704.0	477.2	827.2
Overtime	4.2	7.3	474.0	485.5	107.0	(378.5)	342.5
Consultants and experts		96.1		96.1	76.7	(19.4)	391.6
Travel	25.9	1 453.0	640.2	2 119.1	2 218.0	98.9	2 824.8
Contractual services			3 686.6	3 686.6	3 950.0	263.4	5 205.1
Hospitality			1.1	1.1	2.9	1.8	2.9
General operating expenses			4 139.3	4 139.3	4 251.4	112.1	6 607.9
Supplies and materials			309.5	309.5	910.7	601.2	551.0
Furniture and equipment			1 180.4	1 180.4	1 288.0	107.6	1 965.6
Total (net)	2 050.3	10 861.0	17 521.4	30 432.7	35 430.6	4 997.9	49 983.1
Staff assessment credits	67.3	1 798.9	1 612.9	3 479.1	4 259.5	780.4	4 965.3
Total (gross)	2 117.6	12 659.9	19 134.3	33 911.8	39 690.1	5 778.3	54 948.4

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Annex II

SUMMARY OF RESOURCE CHANGES

	1997 estimated resources		
	A/C.5/51/30	A/C.5/51/30/Add.1	Difference
A. Chambers			
1. Temporary posts[a]	318.9	309.9	(9.0)
2. Salaries and allowances of judges	1 833.2	1 815.0	(18.2)
Pension entitlement[b]	80.0	28.3	(51.7)
Relocation allowance[c]	133.8	167.3	33.5
3. Common costs of judges	153.5	140.0	(13.5)
Installation allowance[d]	111.6	50.0	(61.6)
Removal of household effects[e]	15.3	80.0	64.7
Home leave entitlements[f]	26.6	10.0	(16.6)
4. Overtime[g]	6.0	11.0	5.0
5. Consultants and experts	0.0	60.0	60.0
6. Travel	13.2	13.2	0.0
Total Chambers	2 324.8	2 349.1	24.3
B. Prosecution			
1. Temporary posts[h]	14 274.1	15 068.6	794.5
2. Other payments[i]		214.1	214.1
3. General temporary assistance[j]	30.0	50.0	20.0
4. Overtime[j]	7.0	10.0	3.0
5. Travel[k]	2 227.8	1 637.8	(590.0)
Travel for investigations	1 620.0	1 200.0	(420.0)
Travel for witness proofing	540.0	370.0	(170.0)
Other official travel of staff	67.8	67.8	0.0
6. Consultants and experts[l]	115.0	297.6	182.6
7. Contractual services[m]		20.0	20.0
Total prosecution	16 653.9	17 298.1	644.2

	1997 estimated resources		
	A/C.5/51/30	A/C.5/51/30/Add.1	Difference
C. Registry			
1. Temporary posts[c]	12 840.4	12 863.3	22.9
2. Other payments[i]		200.2	200.2
3. Temporary assistance for meetings[o]	108.1	653.4	545.3
Short-term field interpreters for investigative missions	55.4	55.4	0.0
Conference interpreters	52.7	52.7	0.0
French verbatim reporters on short-term contracts		545.3	545.3
4. General temporary assistance	777.2	777.2	0.0
5. Overtime and night differential	200.0	321.5	121.5
Overtime[p]	200.0	257.1	57.1
Night differential for security officers[q]		64.4	64.4
6. Consultants and experts[r]	30.0	34.0	4.0
7. Travel	882.2	1 173.8	291.6
Travel of victims and witnesses[s]	797.1	996.4	199.3
Other travel[t]	85.1	117.4	32.3
8. Contractual services	6 214.2	5 185.1	(1 029.1)
Contractual translation	85.7	85.7	0.0
Verbatim reporting (English)	1 442.4	492.0	(950.4)
Defence counsel	3 332.2	3 442.2	110.0
Detention facility guards	878.1	726.1	(152.0)
Training	129.7	177.2	47.5
External printing	142.2	130.7	(11.5)
Data-processing services	201.2	111.2	(90.0)
News agency services	2.7	20.0	17.3
9. General operating expenses	6 525.5	6 607.9	82.4
Rental and maintenance of premises	4 715.4	3 868.7	(846.7)
Other general operating costs	1 810.1	2 739.2	929.1
10. Supplies and materials[o]	1 476.2	551.0	(925.2)
11. Furniture and equipment	2 816.5	1 965.6	(850.9)
12. Major alterations to premises	2 623.9		(2 623.9)

	1997 estimated resources		
	A/C.5/51/30	A/C.5/51/30/Add.1	Difference
13. Other payments		200.2	200.2
14. Hospitality	2.9	2.9	0.0
Total Registry	34 497.1	30 335.9	(4 161.2)

[a] Revised standard salary costs.

[b] In A/51/30, provision is for four judges at the full rate; in A/51/30/Add.1, provision is for five judges at the prorated costs.

[c] In A/51/30, provision is for four judges; in A/51/30/Add.1, provision is for five judges.

[d] Costing is for four judges plus dependants.

[e] Costing is for four incoming and four outgoing judges.

[f] Costing is for two judges.

[g] Increased requirements.

[h] Revised standard salary costs plus the cost of 30 new posts.

[i] Provision for staff assigned to field offices; costs included under common staff costs as evidenced by the expenditure report of the Tribunal.

[j] Revised estimates based on actual 1996 and 1997 expenditure pattern.

[k] Revised estimates owing to differences in the exchange rate factor and the pattern of expenditure for 1996 and the first quarter of 1997.

[l] In A/51/30, estimates were based on 1995 experience; in A/51/30/Add.1, estimates were based on the assumption of 80 witnesses, including travel and daily subsistence allowance costs.

[m] Following the recommendation of the Office of Internal Oversight Services, provision for training of investigators is proposed to upgrade the investigation skills of the staff.

[n] Revised standard salary costs plus the cost of 20 new posts.

[o] Requirements were originally presented under contractual services in A/51/30. However, following the recommendation of the Office of Internal Oversight Services, the contractual status of personnel was changed and staff were subsequently hired at the TC-1 and TC-2 levels.

[p] On the basis of the actual 1996 expenditure pattern, it was determined that additional resources would be required for this category of expenditure.

[q] Provision for this expenditure was inadvertently omitted in the proposal of the Tribunal to the Secretariat. Accordingly, it is being proposed in A/51/30/Add.1.

[r] The difference is related to travel and related costs at the rate of $2,000 for each of the three consultants.

[s] In A/51/30, provision is for 300 witnesses; in A/51/30/Add.1, provision is for 400 witnesses.

[t] Includes increased travel to field offices, attendance at conferences, etc.

[u] The original proposal was revised on the basis of 1996 expenditure patterns and the report of the Office of Internal Oversight Services on data-processing supplies.

Annex III

VACANCIES

The following table indicates the location of all vacant posts at the Professional levels as at 30 April 1997, including information on recent recruitment efforts. In the light of those efforts, it is anticipated that vacancy rate for the Professional level will drop to zero by mid-1997. Currently, no vacancies exist for posts at the General Service level.

Vacant posts/status of recruitments

Post/level	No. of posts	Organ/section	Recruitment update
A. Office of the Prosecutor			
P-4 (Head of Office)	1	Sarajevo office	Offer made
P-4 (Liaison Officer)	1	Policy and External Relations	Post advertised; applications being reviewed
P-3 (Investigator)	3	Investigation Section	Presentation to Appointments and Promotions Board
P-3 (Legal Adviser)	2	Legal Advisory Section	Posts advertised
P-2 (Investigator)	3	Investigation Section	Presentation to Appointments and Promotions Board
P-2 (Intelligence Analyst)	1	Investigation Section	Candidates shortlisted
Subtotal Office of the Prosecutor	11		
B. Registry			
P-3 (Legal Officer)	1	Judicial Support/Defence Counsel	Post advertised; applications being reviewed
P-3 (Translator)	1	Conference and Language Support	Awaiting results of competitive exam
P-2 (Court Deputy)	1	Judicial Support/Court Management	Candidates shortlisted
P-2 (Coordinator Audio-Visual Productions)	1	Electronic Support and Communications	Post advertised; applications being reviewed
P-2 (Communications Officer)	1	Electronic Support and Communications	Post advertised; applications being reviewed
P-2 (Support Officer)	1	Judicial Support/Victims and Witnesses Unit	Post advertised
Subtotal Registry	6		
Total Tribunal	17		

Annex IV

FIELD OFFICES

A. Staff assigned in field offices

1. Office of the Prosecutor

Field office	Professional level	General Service
Sarajevo	1 Head of Mission (P-4) 1 proposed new post for Investigator (P-3) 1 Operations Officer (P-2) (redeployed from Strategy Team) 1 proposed new post for Investigator (P-2)	1 Secretary 1 proposed new post for Driver
Zagreb	1 Head of Mission (P-4) 1 proposed new post for Operations Officer (P-2)	1 Secretary 1 proposed new post for Driver
Belgrade	1 Head of Mission (P-4)	1 Secretary

2. Electronic Support Services of the Registry

The proposed new posts for Communications Officer at the P-2 level and Communications Technician at the General Service (Other Level) will be assigned to the Sarajevo field office. Support to this office is provided under the supervision of the Communications Coordinator at The Hague.

B. Total costs of operating field offices

(United States dollars)

	Sarajevo	Zagreb	Belgrade
Personnel costs	934 900	351 000	211 900
Rental	96 700	-	13 200
Utilities	-	-	1 000
Cleaning	-	-	3 800
Communications	72 000	36 000	24 000